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In re Application of :  
Siegel, et al. : DECISION ON APPLICATION  
Application No. 09/650,034 : FOR PATENT TERM ADJUSTMENT  
Filed: August 29, 2000 :  
Atty. Dkt. No.: SNY-P4055.01 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)" filed February 14, 2007 and supplemented February 16, 2007.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 809 days. The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the instant letter reflects an adjustment of 809 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

The Determination of Patent Term Adjustment mailed February 9, 2007 indicated that the PTA to date is 789 days. Applicant argues that the application may be entitled to an additional adjustment of 20 days in connection with the Office communication mailed September 27, 2004.

The correct determination of adjustment is as set forth herein.

The application is entitled to an adjustment of 416 days in accordance with 37 CFR 1.702(a)(1) in connection with the mailing of the non-final Office action on December 19, 2002. The adjustment began October 30, 2001, the day after the date that is 14 months after the date that the application was filed. See, 37 CFR 1.703(a)(1).

The application is entitled to an additional adjustment of 20 days in accordance with 37 CFR 1.702(a)(2) in connection with the Office communication mailed September 27, 2004. The period of adjustment began May 8, 2004, the day after the date that is four months after the date that a response was filed, and ended

September 27, 2004, the date the Office communication was mailed.

The application is entitled to an adjustment of 619 days in accordance with 37 CFR 1.703(e) in connection with the mailing of the Board decision on January 18, 2007. The adjustment began May 10, 2005, the date that the Notice of Appeal was filed, and ended January 18, 2007, the date the Board decision was mailed.

The adjustment is properly reduced 49 days in accordance with 37 CFR 1.704(b) in connection with the RCE filed November 5, 2003. The reduction began September 18, 2003, the day after the date that is three months after the date the final Office action was mailed, and ended November 5, 2003, the date the RCE was filed.

The adjustment is further reduced 147 days in accordance with 37 CFR 1.704(c)(7) in connection with the reply filed October 1, 2004. The reduction began May 8, 2004, the day after the day a reply having an omission was filed, and ended October 1, 2004, the date the reply correcting the omission was filed.

The adjustment is further reduced 50 days in accordance with 37 CFR 1.704(b) in connection with the Notice of Appeal filed May 10, 2005. The reduction began March 22, 2005, the day after the date that is three months after the date that the final office action was mailed, and ended May 10, 2005, the date the Notice of Appeal was filed.

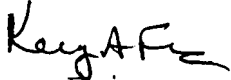
In view thereof, at the time of allowance, the application is entitled to an adjustment of 809 days (total adjustment of 1055 days minus total reduction of 246 days).

The required PTA application fee of \$200.00 has been charged to applicant's deposit account as authorized.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



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Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation